
Child Care Advocate Program

Information Bulletin

Zoning Issues for Large Family Child Care Homes

Many local cities or municipalities have zoning or planning and land use regulations for large family child care homes. Small family child care homes are exempt from these requirements. California law gives municipal agencies three options for zoning large family child care facilities:

1. Allow the facility as a use by right
2. Require a nondiscretionary permit
3. Require a conditional use permit

California law restricts the scope of the municipal agency review to the issues of spacing and concentration of facilities, traffic control, noise, and parking. Local ordinances must be reasonable and consistent with other local standards. Noise ordinances must take into account the normal noise generated by children. The municipal agency is to process the permit as economically as possible and is restricted from charging the facility more than the cost of the permit process.

During the permit process municipal agencies ask neighbors for comments and neighbors often object to a child care facility on their street. The zoning agency, however, can only look at the issues of noise, traffic control, parking and concentration, and not whether the

neighbors agree. Zoning agencies are also restricted from requiring facility improvements beyond those required for other homes not providing child care. For example, the zoning agencies cannot make square footage requirements for family child care homes.

Community Care Licensing requires a State Fire Marshal inspection and clearance prior to issuing a large family child care license. There is no licensing requirement for a zoning permit. However, licensees do need to comply with local laws such as sign ordinances, business licenses and zoning clearances that are not governed by the licensing agency.

The statute restricting the applications of zoning requirements for large family child care homes is section 1597.46 and 1597.47 of the California Health and Safety Code. If you have a problem with local zoning requirements, you may be able to get help from a city or county child care coordinator, your local family child care association or child care planning council. You may also contact Child Care Aware at (800) 424-2460, or the Child Care Resource and Referral Network at (415) 882-0234. For legal issues regarding zoning call the Child Care Law Center in San Francisco at (415) 394-7144 or the Los Angeles Public Counsel at (213) 385-2947.

